

Exhibit

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**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND**

SABIEIN BURGESS,

*

Plaintiff,

*

Case No. 1:15-cv-00834

v.

*

Judge Bennett

Baltimore Police Department, *et al.*,

*

JURY TRIAL DEMANDED

Defendants.

*

* * * * *

PLAINTIFF'S RULE 26(a)(2) DISCLOSURE

Plaintiff SABIEN BURGESS, by his attorneys LOEVY & LOEVY, pursuant to Federal Rule of Civil Procedure 26(a)(2) and Local Rule 104(10), makes the following disclosures:

WITNESSES DESIGNATED UNDER RULE 26(a)(2)(B)

1. **Dr. Sidney Binks** may be called as a retained expert to present evidence at trial under Federal Rules of Evidence 702, 703, or 705, consistent with the signed report attached to this disclosure. His qualifications, list of publications, rate of compensation, and past testimony are included with this disclosure.

2. **Brian Murphy** may be called as a retained expert to present evidence at trial under Federal Rules of Evidence 702, 703, or 705, consistent with the signed report attached to this disclosure. His qualifications, list of publications, rate of compensation, and past testimony are included with this disclosure.

3. **Wayne D. Niemeyer** may be called as a retained expert to present evidence at trial under Federal Rules of Evidence 702, 703, or 705, consistent with the signed report attached

to this disclosure. His qualifications, list of publications, rate of compensation, and past testimony are included with this disclosure.

WITNESSES DESIGNATED UNDER RULE 26(a)(2)(C)

1. **Dr. David Fowler** may be called to present evidence at trial under Federal Rules of Evidence 702, 703, and 705. Dr. Fowler performed the autopsy and post-mortem examination of Michelle Dyson. Dr. Fowler testified about the related facts and his related opinions, both at Mr. Burgess's criminal trial and at his deposition in this case. If called at trial, he is expected to testify consistent with the same facts and opinions.

2. **John Kilty** may be called to present evidence at trial under Federal Rules of Evidence 702, 703, and 705. Mr. Kilty is an expert in gunshot residue—he served as the Chief of the Gunshot Residue and Metals Analysis Unit for the FBI Laboratory from 1975 to 1987—who was disclosed in Plaintiff's post-conviction litigation. The affidavit that Mr. Kilty provided in Plaintiff's post-conviction litigation has been produced in this litigation as Burgess 001570–72. The expert report that Mr. Kilty provided in Plaintiff's post-conviction litigation has been produced in this litigation as Burgess 001573–82. If called at trial, he is expected to testify consistent with the same facts and opinions.

The foregoing disclosures are based on information and documents available to all parties in this case. Plaintiff and the above experts expressly reserve their rights to supplement and amend these disclosures as discovery proceeds.

Respectfully Submitted,

/s/ Gayle Horn

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CERTIFICATE OF SERVICE

I, Tony Balkissoon, an attorney, hereby certify that on June 30, 2017, I served the foregoing PLAINTIFF'S RULE 26(a)(2) DISCLOSURE on all counsel below via electronic mail.

/s/ Tony Balkissoon

Tony Balkissoon
One of Plaintiff's Attorneys

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